

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PIVOTAL PAYMENTS, INC.,)
Plaintiff,)
v.) Civil Action No. 4:16-cv-00598
TAKING YOU FORWARD LLC,) Judge Amos L. Mazzant, III
Defendant.)

APPLICATION FOR CLERK'S ENTRY OF DEFAULT

Plaintiff Pivotal Payments, Inc. (“Pivotal”), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, files this Application for Entry of Default and requests that the Clerk enter default against Taking You Forward LLC (“TYF”). In support of this Application, Pivotal states as follows:

1. On August 11, 2016, Pivotal filed a Complaint against TYF for breach of contract. (D.E. 1.)
2. TYF was served with process, pursuant to Federal Rules of Civil Procedure 4(h)(1)(A) and 4(e)(1), by hand delivery to a representative, Dan Jackson, of TYF's registered agent for service of process, Finance Express Bookkeeping & Tax Services, Inc., by a private process server for Zane Investigations, Inc., on August 17, 2016. (D.E. 4.) The papers served on TYF included the Summons and Complaint, Corporate Disclosure Statement, notice of case assignment, form for consent to proceed before a magistrate judge, Demand for Trial by Jury, and the issued Summons. (Declaration in Support of Application for Entry of Default (D.E. 6) filed simultaneously herewith.)

3. The deadline for TYF's response to the Complaint was September 7, 2016.
4. The time for TYF to file a response to, or otherwise defend against, the Complaint has expired.

5. TYF has not filed an answer, motion, other pleading or defense in response to the Complaint. (Declaration in Support of Application for Entry of Default.)

WHEREFORE, it appearing that TYF was served pursuant to Rule 4(h) of the Federal Rules of Civil Procedure, and TYF has failed to timely file a responsive pleading or otherwise defend the claims brought against it in Pivotal's Complaint, entry of default is appropriate. Accordingly, Pivotal requests that the Clerk enter default against TYF pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Respectfully submitted,

s/Derek W. Edwards
Derek W. Edwards (TN BPR No. 012455)

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Attorneys for Plaintiff Pivotal Payments, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Further, I certify that on September 12, 2016, a copy of the foregoing was served on defendant Taking You Forward LLC via certified mail, return receipt requested, on:

Taking You Forward LLC
c/o Dan Jackson, Registered Agent
Finance Express Bookkeeping & Tax Services, Inc.
1020 Logan Patrick Drive
Henderson, Nevada 89052

s/Derek W. Edwards
Derek W. Edwards (TN BPR No. 012455)

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